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Haviland China, plain and decorated; English China, White, Granite; Cut Glassware, Moulded and Engraved Glassware, Agateware, Tinware, Lamps and Fittings, Flower Pots, Fruit Jars and Jelly Glasses and a thousand other useful and ornamental articles at

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Desirable Property in all parts of the City.  
Four Houses on Punchbowl street at a bargain.  
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Residence at Kalihi with barn, pig pens and chicken coop, 120x10; suitable for a Chicken Ranch.

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## Business Cards.

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Japanese Provisions, Dry Goods,

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PRICES VERY MODERATE.

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A FINE ASSORTMENT.

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WE HAVE ON HAND A FINE ASSORTMENT OF

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Tweeds, Clay Worsteds, Diagonals and French Cassimeres  
Suitable for the Holidays.  
Our prices are lower than ever. Give us a call before ordering.

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### F. W. MAKINNEY,

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AND COLLECTOR.

Office: Over Bishop & Co.'s Bank.  
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### DR. J. UCHIDA,

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Office Hours: 8 to 12 a. m. and  
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### Massage.

MRS. PRAY WOULD ANNOUNCE  
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Teacher of Elocution and Dramatic Art.

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Office—No. 13 Kaahumanu Street, Honolulu, H. I.

### GONSALVES & CO,

Wholesale Grocers and Wine Merchants.

225 Queen Street, Honolulu, H. I.

### H. MAY & CO.,

Wholesale and Retail Grocers

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Telephones 22. P. O. Box 470.  
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HARDWARE,

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### BEAVER SALOON,

FORT STREET, OPPOSITE WILDER & CO.'S

H. J. NOLTE, Proprietor.

First-class Lunches served with Tea, Coffee, Soda Water, Ginger Ale or Milk.

OPEN FROM 3 A. M. TILL 10 P. M.

Smokers' Requisites a specialty.

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Room No. 11, Spreckels' Block.

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Steam Engines,

Boilers, Sugar Mills, Coolers, Brans and Lead Castings.

And machinery of every description made to order. Particular attention paid to ships' blacksmithing. Job work executed on the shortest notice.

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[Successors to Lewers & Dickson.]

Importers and Dealers in Lumber

And all kinds of Building Materials.

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WHOLESALE GROCERS

—AND DEALERS IN—

Leather and Shoe Findings

HONOLULU Soap Works Co.,  
Honolulu Tannery.

### H. HACKFELD & CO.,

General Commission Agents

Cor. Fort and Queen sts., Honolulu.

## NAMED AS CARTER'S ASSASSIN.

Incidents of Opening Hours of Rebellion Reviewed.

BROWN AND PARKER TESTIFY.

Second Day's Labor of the Military Commission.

THREE PRISONERS PLEAD GUILTY.

They Were Wilcox, Nowlin and Bertelmann—Paul Neumann Offers Objection to Jurisdiction of the Court—Two Natives Testify That Poole Fired the Shot That Killed Carter—Evening Sessions Will Be Held.

R. W. Wilcox, W. C. Lane, James Lane, Sam Nowlin, Henry Bertelmann, Carl Widemann, Wm. Greig and Louis Marshall were the prisoners who appeared before the Military Commission yesterday. Although the original thirteen were marched to the barracks, the men mentioned were selected to be tried together, there being against them the specific charge of open rebellion. Walker, Gulick, Seward, Bowler and Rickard were placed under a guard in the barracks.

All the prisoners appeared more at ease than when they came to the Executive Building on the previous day. Several wore buttonholes of carnations and a sprig of maidenhair fern, and were "spruced up" much more than on their first appearance.

At 10:20, when the Court was formally opened, the seats for the spectators were nearly filled. Four ladies were in attendance. Judge Advocate Kinney read the records of the Court of the previous day, which were approved. The attorneys acting for the prisoners made formal appearance. Mr. Neumann stated that he acted as counsel for R. W. Wilcox, Carl Widemann, Wm. Greig and Louis Marshall, and for the two Lane brothers, in conjunction with Antone Rosa. Mr. Neumann then announced his intention of filing a formal objection to the jurisdiction of the Military Commission, claiming that body had no right to act upon the sentence of the prisoners; that the suspension of the writ of habeas corpus did not abrogate the law of the regular courts. The objection made by the lawyers of the defense reads as follows:

Upon the arraignment before the Commission of Carl Widemann, W. C. Lane, Jas. C. Lane and R. W. Wilcox, the prisoners object to the jurisdiction of the Commission on the following grounds: That no military or other law exists in the Hawaiian Islands under which a Military Commission is authorized to try any person for a statutory crime. That under the proclamation of martial law the general authority of the Courts of the Republic created by the Constitution continues, and they have authority to conduct all business which comes properly before them, and have the sole authority to try persons accused of offenses such as are specified in the charges before this Commission.

PAUL NEUMANN, A. ROSA, Counsel for the Above Accused.  
Antone Rosa stated that he had been requested by Mrs. Nowlin to act as counsel for Sam Nowlin but less than six months nor more than six years, or both fine and imprisonment.

Judge Advocate Kinney suggested that those who had pleaded guilty be set aside and the trial of those pleading not guilty proceed. Judge Whitling announced that the objections of the lawyers of the accused should be put in writing and disposed of before the Court took any further action.

Lawyer Neumann, in defending his objection, called attention to the fact that the limit of martial law is the Commander-in-Chief. If such was the case, then the accused were not given the rights allowed under the constitution. He claimed that the Military Commission had no right to try a crime committed against the Republic of Hawaii, which has civil courts in which fair trial is given. The accused had a right of appeal to the country and its laws. There was nothing to show that the Commission had any right to act, unless it showed the emergency. The rebellion is over. The Judge Advocate stated that martial law is a law of necessity, in which the question of necessity rests in the discretion of the Executive and nobody can call it in question. The right has been exercised; there is nothing more to say. Referring to the section of the order which allows the courts to proceed with routine business, Mr. Kinney said, "Sound common-sense clearly shows what the intention was, and no man need err therein, though a fool. He refused to argue whether the Executive exercised the right of law judiciously. Answering the objection that the rebellion had been put down and no actual hostilities exist, Mr. Kinney said, "God knows whether they do or not. No one knew whether they did when men hurried from their beds on the night of January 6th. No man is yet assured of where we stand."

The Court retired for consultation and on their return announced that the objection was overruled. The Court had jurisdiction and would proceed with the trial. When this decision was announced there was a demonstration saving of applause in the audience, which was promptly quieted by the order of the Court. On the question of proceeding separately with those who pleaded not guilty, the Court decided that as the accused were

Judge Advocate again asked the prisoners if they had any objection to any person serving on the Commission. They all gave a negative reply.

The Court was duly sworn, and the following charge, signed by Adjutant-General John H. Soper, read to the prisoners: Charge and specification preferred against R. W. Wilcox, Sam Nowlin, Henry F. Bertelmann, Carl Widemann, Wm. H. C. Greig, Louis Marshall, W. C. Lane, James C. Lane.

CHARGE: Treason, by abetting, procuring, counselling, inciting and aiding others to commit treason, and to engage in open rebellion against the Government of the Republic of Hawaii, and by attempting by force and arms to overthrow and destroy the same, and by levying war against the same.

SPECIFICATION: That the said R. W. Wilcox, Samuel Nowlin, Henry F. Bertelmann, Carl Widemann, Wm. H. C. Greig, Louis Marshall, W. C. Lane and James C. Lane, on the island of Oahu, one of the Hawaiian Islands, did at divers times within six months, now last past, commit treason, and did abet, procure, counsel, incite and aid others to commit treason and engage in open rebellion against the Government of the Republic of Hawaii, and to attempt by force and arms to overthrow and destroy the same, and to levy war against the same.

Wilcox pleaded guilty to the charge and specifications as did also Nowlin and Bertelmann. Carl Widemann, William Greig and Louis Marshall declined to plead either to the charge or the specifications, acting under the advice of their counsel, in which case the Court ordered the plea of not guilty to be entered.

The two Lane boys pleaded not guilty. According to Act 3 of the Provisional Government the punishment for treason is death or imprisonment for a term not less than five years and a fine of five thousand dollars, which fine shall be levied on and collected out of any or all of his property, real and personal. Any person concealing or aiding in the levying of war against the Government is guilty of misprision of treason, for which the penalty is imprisonment not more than five years and fine not more than \$5000.

For conspiracy the penalty is a fine of not less than \$500 and not more than \$5000, or by imprisonment not



CAPTAIN J. M. CAMARA, JR., COMPANY C, N. G. H.

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charged together they should be tried together.

Before the adjournment of the Court Judge Colonel Whiting announced that the strictest silence must be maintained in the audience, and no signs of approbation or disapprobation would be allowed, on penalty of clearing the courtroom of all spectators for the remainder of the session. Adjournment was made at five minutes before 12.

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AFTERNOON SESSION.

Rome little time before the Court opened all the seats had been filled and



CAPTAIN J. W. PRATT, ADJUTANT, N. G. H.

many spectators were standing along the sides and rear of the council chamber. A number of ladies were noticed in the gathering, together with several clergymen. United States Minister Willis, British Commissioner Hayes, Charge d'Affaires Camarero and United States Consul-General Mills occupied the diplomatic row.

Promptly at 1:25 p. m. the Commission entered the council chamber in single file. The prisoners, Messrs. Wilcox, Nowlin, Bertelmann, Widemann, Greig, Marshall, James Lane and W. C. Lane, were escorted to their seats a few seconds later.

Deputy Marshal Arthur M. Brown was the first witness called. He stated he was sent by Marshal Hitchcock to search Henry Bertelmann's place for arms; Captain Robert Parker and five native officers accompanied him; when they reached Bertelmann's house saw a number of natives there; left Captain Parker and other officers nearby and returned to town to notify Marshal and get more men; returning met Parker and officers at Sans Souci, to where they had retreated; was informed that one of the officers had been shot; Messrs. C. L. Carter, Alfred Carter, J. B. Castle and Jack Atkinson, who had been attracted by the firing, accompanied the party to Bertelmann's. Atkinson was sent back with a message. On arriving at Bertelmann's, officers were challenged by a native on guard; advanced and found Bertelmann and a woman sitting on the front porch; told Bertelmann had a warrant to search the premises; was requested to read it; went into diningroom with Bertelmann; while reading warrant firing was heard outside; asked Bertelmann what firing meant; he replied, didn't know. At this point a diagram of the Bertelmann premises was introduced by the Judge Advocate and accepted by the defense. When firing commenced witness ran out back of house; met Parker with Lane boys; both had rifles and belts of cartridges; saw Carter brought into house and examined him; while doing this heard more firing outside, seemingly from direction of town; heard shouting, running and more shooting from toward Diamond Head; went into room with Parker and arrested men; went to Nolte's residence and telephoned to town for assistance; when returned to Bertelmann's found military under Lieutenant George W. King in possession.

Cross-examined by Counsel Rosa. Found Carter's body on Walkiki side of entrance to bathhouse; there were boats in the house; a canoe was on Walkiki side of bathhouse; Walkiki side is towards Diamond Head; was in diningroom when Lane boys were arrested; first saw them in custody of Parker; heard firing first while reading warrant to Bertelmann in diningroom; few moments after firing commenced again; second firing heavier than first; don't know where Carter was when first firing commenced; left him on ground in front of house; it was between 8 and 9 o'clock when first shots fired; they seemed to come from bathhouse just back of diningroom; second firing seemed to come from along beach toward Diamond Head; several shots came through window on side toward Beckley's place; have visited Bertelmann's place since and acquainted with location. Pointed out place on diagram where Carter was found.

Captain Robert Parker the next witness called, substantiated the details mentioned above by Deputy Marshal Brown. Arrested two Lane boys makiki of the premises near the bathhouse; each had a rifle; James had a revolver; one shot had been fired out of each rifle; took seven cartridges out of chambers of each rifle; empty shell found in both rifles; Carter not there until second trip; about one minute after second firing arrested Lane brothers; took them into Bertelmann's house.

Cross-examined by Counsel Neumann. By request of Mr. Neumann, one of the rifles taken from the Lane boys was sent for and examined. Witness continued: Carter was near bathhouse; mounds side;